

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 25, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICKIYAH J. NENEMA-SIJOHN,

Defendant.

No. 2:21-CR-00074-RMP-2

ORDER FOLLOWING DETENTION
REVIEW HEARING

MOTION GRANTED
(ECF No. 52)

At Defendant's August 25, 2021, detention review hearing, Defendant appeared out of custody with Attorney Zachary Ayers. Assistant U.S. Attorney Russell Smoot represented the United States. U.S. Probation Officer Patrick Dennis was also present.

Both sides presented argument.

The Court has reviewed Defendant's motion to modify conditions of release, **ECF No. 52**, the Pretrial Services Report, **ECF No. 20**, the Supplemental Pretrial Services Report, **ECF No. 56**, and the argument of counsel.

The United States did not oppose release of Defendant with certain conditions.

Accordingly, **IT IS ORDERED** Defendant's motion, **ECF No. 52**, is **GRANTED**. The Defendant shall report to Hutton Oxford House in Spokane upon completion of inpatient treatment.

Defendant is subject to the following conditions:

STANDARD CONDITIONS OF RELEASE

- (1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer in the captioned matter.
- (2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.
- (3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (4) Defendant shall sign and complete A.O. Form 199C before being released and shall reside at the address furnished.
- (5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.
- (6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.
- (7) Defendant shall contact defense counsel at least once a week.
- (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

1 (10) Defendant shall surrender any passport and enhanced driver's license to
2 Pretrial Services and shall not apply for replacements.

3 **ADDITIONAL CONDITIONS OF RELEASE**
4

5 (14) Defendant shall remain in the Eastern District of Washington while the case
6 is pending. Defendant may be permitted to travel outside this geographical
7 area *with advance notice and approval* from U.S. Probation.

8 (15) Defendant shall avoid all contact, direct or indirect, with any persons who
9 Defendant would reasonably know are or may become a victim or potential
10 witness in the subject investigation or prosecution. This includes but is not
11 limited to co-defendants and co-conspirators named or not, presently or in
12 the future, whether indicted or not. Pretrial Services may but is not required
13 to exempt specific named individuals from this prohibition, including but not
14 limited to immediate family members or co-workers.

15 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**
16

17 If Defendant is required to submit to a substance abuse evaluation, inpatient
18 or outpatient treatment, the following shall apply:

19 Defendant shall complete treatment indicated by an evaluation or
20 recommended by Pretrial Services and shall comply with all rules of a treatment
21 program. Defendant shall be responsible for the cost of testing, evaluation and
22 treatment, unless the United States Probation Office should determine otherwise.
23 The United States Probation Office shall also determine the time and place of
24 testing and evaluation and the scope of treatment.

25 Prior to commencing any evaluation or treatment program, Defendant shall
26 provide waivers of confidentiality permitting the United States Probation Office
27 and the treatment provider to exchange without qualification, in any form and at
28 any time, any and all information or records related to Defendant's conditions of
release and supervision, and evaluation, treatment and performance in the program.
It shall be the responsibility of defense counsel to provide such waivers.

Following any evaluation or treatment ordered here, Defendant shall
complete any recommended aftercare program.

1 **If Defendant terminates any treatment program before it is completed,**
2 **the treatment provider and Defendant shall immediately notify the U.S.**
3 **Probation Officer.**

4 **If Defendant leaves an inpatient program before treatment is**
5 **completed, the treatment facility and Defendant shall immediately notify the**
6 **U.S. Probation Office.**

7 *PROVIDED* that Defendant's treatment and release from custody is on the
8 express condition that treatment not hinder or delay the adjudication of this case,
9 and that Defendant appear in person when required regardless of treatment status,
10 and maintain adequate contact with defense counsel.

11 **(24) Substance Abuse Evaluation:** Defendant shall participate in a substance
12 abuse evaluation and any recommended treatment. Pretrial Services shall
13 determine the evaluator and the schedule.

14 **(27) Prohibited Substance Testing: If random urinalysis testing is not done**
15 **through a treatment program, random urinalysis testing shall be**
16 **conducted through Pretrial Services, and shall not exceed six (6) times**
17 **per month.** Defendant shall submit to any method of testing required by the
18 Pretrial Service Office for determining whether the Defendant is using a
19 prohibited substance. Such methods may be used with random frequency
20 and can include urine testing, the wearing of a sweat patch, a remote alcohol
21 testing system, and/or any form of prohibited substance screening or testing.
22 Defendant shall refrain from obstructing or attempting to obstruct or tamper,
23 in any fashion, with the efficiency and accuracy of prohibited substance
24 testing.

25 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

26 **(28)** Defendant shall participate in one or more of the following home confinement
27 program(s):

28 **Electronic Monitoring:** The Defendant shall participate in a program of
electronically monitored home confinement. The Defendant shall wear, at all
times, an electronic monitoring device under the supervision of U.S.
Probation. In the event the Defendant does not respond to electronic
monitoring or cannot be found, the U.S. Probation Office shall forthwith
notify the United States Marshals' Service, who shall immediately find, arrest

1 and detain the Defendant. The Defendant shall pay all or part of the cost of
2 the program based upon ability to pay as determined by the U.S. Probation
3 Office.

4 OR

5 **GPS Monitoring:** The Defendant shall participate in a program of GPS
6 confinement. The Defendant shall wear, at all times, a GPS device under the
7 supervision of U.S. Probation. In the event the Defendant does not respond
8 to GPS monitoring or cannot be found, the U.S. Probation Office shall
9 forthwith notify the United States Marshals' Service, who shall immediately
10 find, arrest and detain the Defendant. The Defendant shall pay all or part of
11 the cost of the program based upon ability to pay as determined by the U.S.
12 Probation Office.

13 AND

14 **Curfew:** Defendant shall be restricted to her residence every day from **6:00**
15 **p.m. to 6:00 a.m.**

16 **IT IS SO ORDERED.**

17 DATED August 25, 2021.

A handwritten signature in black ink, appearing to read "M" or "Rodgers".

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE